

REMARKS

Claims 1-20 are pending in this case. Claims 1-7, 9-17, 19 and 20 stand rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by United States Patent No. 6,704,738 (“de Vries”). Claims 8 and 18 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over de Vries in view of United States Patent No. 5,918,223 (“Blum”). Applicants respectfully traverse the rejections.

Interview Summary

Applicants’ undersigned representative, Mr. Eiferman, and Examiner Chang participated in a telephonic interview on September 6, 2006 to discuss the above claim amendments. Examiner Chang stated that the above claim amendments appeared to overcome the rejections of record.

Rejections under 35 U.S.C. § 102

Claims 1-7, 9-17, 19 and 20 stand rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by United States Patent No. 6,704,738 (“de Vries”). Applicants respectfully disagree and traverse.

Independent claims 1, 12 and 19 require performing DSP processing on media entities that includes determining activity within a frequency range. The processed media entities are then classified based, at least in part, on the activity within the frequency range. For example, songs with heavy activity at in the frequency spectrum at 3 kHz may be characterized as “jazzy” (See Specification, Pg. 9, ll. 18-25). By contrast, de Vries does not teach or suggest determining activity within a frequency range and classifying based, at least in part, on the activity within the frequency range.

Accordingly, Applicants respectfully submit that independent claims 1, 12 and 19 are not anticipated by de Vries. Applicants further submit that claims 2-7, 9-11, 13-17 and 20 are patentable at least by reason of their dependency. Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

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Rejections under 35 U.S.C. § 103

Claims 8 and 18 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over de Vries in view of United States Patent No. 5,918,223 (“Blum”). Applicants respectfully disagree and submit that claims 8 and 18 are patentable at least by reason of their dependency. Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

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CONCLUSION

In view of the above remarks, Applicants respectfully submit that the present application is in condition for allowance. Applicants respectfully submit that no new matter is added in the forgoing amendments. In view of the foregoing amendments and following remarks, Applicants respectfully request reconsideration of the present application.

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